IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 1711 of 2005

Between:

R.Arjaiah,
r/o Suryapet, Nalgonda District.

..... PETITIONER

AND

The Depot Manager, A.P.S.R.T.C., Suryapet, Nalgonda District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or directions, more in the nature of writ of mandamus, declaring the office order dated 25-4-1990 as illegal and arbitrary and set aside the same with all consequential benefits including arrears.

Counsel for the Petitioner: MR.P.GOVINDA RAJULU

Counsel for the Respondent : MR.V.T.M.PRASAD

The Court made the following :

ORDER:

Heard both the learned counsel.

The petitioner questions the order dated 25-04-1990 imposing punishment of postponement of annual increment for a period of two years, which shall have the effect of postponing the future increments. The petitioner contends that imposing the punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed without conducting an enquiry.

This court in S.K.MASTAN v. MANAGING DIRECTOR, APSRTC held that imposition of punishment of postponement of increments with cumulative effect is a major penalty and the same cannot be imposed unless preceded by an enquiry.

Having regard to the facts and circumstances of the case and following the above judgment, I am inclined to modify the punishment imposed on the petitioner to that of postponement of one increment without cumulative effect instead of initiating disciplinary proceedings once again, for which the respondent has no objection.

Accordingly, the writ petition is disposed of modifying the punishment imposed on the petitioner to that of postponement of annual increment for a period of two years, which shall not have the effect of postponing the future increments. No costs.

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K.C.BHANU, J.

Dated 04-02-2005.

skmr

..... REGISTRAR

To

1) The Depot Manager, A.P.S.R.T.C., Suryapet, Nalgonda District.

2) 2 CD copies.